

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SOFTMART, INC. and RICHARD)
POGUE,)
)
Plaintiffs,) Case No. 4:05 CV 285 RWS
)
v.)
)
SOFTWARE PLUS, LTD.,)
)
Defendant.)

JUDGMENT IN DEFAULT AGAINST
COUNTERCLAIM DEFENDANT RICHARD POGUE

This matter comes before the Court on the Motion for Default Judgment filed by Counterclaimant, Software Plus, Ltd. ("SWP"). SWP appears by and through counsel and its Vice President, Larry Malashock. Counterclaim Defendant, Richard Pogue ("Pogue"), has failed to reply in any way to SWP's First Amended Counterclaim, and as a result the Clerk previously entered a default against Pogue pursuant to the Federal Rules of Civil Procedure Rule 55(a). The Court finds that Defendant Pogue remains in default. By leave of Court, Counts I and III of SWP's First Amended Counterclaim are dismissed without prejudice as being moot. Having taken judicial notice of its file, received evidence and being fully advised in the premises, the Court hereby enters judgment in favor of SWP and against Pogue as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that judgment be and hereby is entered in favor of Counterclaimant, Software Plus, Ltd., and against Counterclaim Defendant, Richard Pogue, on Counts II, IV, VI, VII, VIII, and IX in the amount of \$545,990.78.

Costs to be taxed against Counterclaim Defendant, Richard Pogue.

SO ORDERED.

Rodney W. Sippel
Rodney W. Sippel,
United States District Judge

Date: January 19, 2006